

BEFORE THE BOARD OF ARCHITECTURAL EXAMINERS

STATE OF IDAHO

In the Matter of the License of: )  
 ) Case No. ARC-2007-2  
RONALD JAMES PED, )  
License No. AR-984306, ) **STIPULATION AND**  
 ) **CONSENT ORDER**  
Respondent. )  
 )  
\_\_\_\_\_  
ARC\Ped\P7176lga

WHEREAS, information has been received by the Idaho State Board of Architectural Examiners (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Ronald James Ped ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

**A. Stipulated Facts and Law**

A.1. The Board regulates the practice of architecture in the State of Idaho in accordance with title 54, chapter 3, Idaho Code.

A.2. The Board has issued License No. AR-984306 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 3, Idaho Code and the Board's rules at IDAPA 24.01.01, *et seq.*

A.3. On or about August 2, 2006, the Oregon Board of Architects Examiners entered into a Stipulated Final Order with Respondent, copy of which is attached as Exhibit A. The Oregon Board of Architects Examiners and Respondent agreed to settle the contested case proceeding against Respondent with Respondent agreeing to do the following:

a. Respondent shall exclude structural calculations from his practice until he takes and successfully passes the Seismic Mitigation Monograph and Wind

Forces Monograph developed by NCARB's Professional Development Program.

b. Respondent may resume providing structural calculations in his practice after receiving notification from the Oregon Board of Architects Examiners that he has achieved a passing score on both the monographs.

c. Respondent shall take and provide proof of completion of the course entitled Fundamentals of Seismic Design for Architects offered by the University of Wisconsin School of Architecture on February 5-7, 2007.

A.4. Idaho Code § 54-305(1)(h) provides that the Board may discipline a licensee for violation of the rules of conduct adopted by the Board. Board Rules (IDAPA 24.01.01) 4 and 750 adopt the National Council of Architectural Registration Board (NCARB) Rules of Conduct (August 2004). NCARB Rule of Conduct 4.3 states that an "architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction."

A.5. The allegations of Paragraphs A.3 and A.4, if proven, would violate the laws and rules governing the practice of architecture, specifically Idaho Code §§ 54-305(1)(h) and IDAPA 24.01.01.004 and -.750. A violation of this law and rules constitutes grounds for disciplinary action against Respondent's license to practice architecture in the State of Idaho.

### **B. Waiver of Procedural Rights**

I, Ronald James Ped, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.3 and A.4. I further understand that these allegations constitute cause for disciplinary action upon my license to practice architecture in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses,

or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of architecture in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

### **C. Stipulated Discipline**

C.1. Respondent shall pay attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

C.2. Respondent shall exclude structural calculations from his practice until he takes and successfully passes the Seismic Mitigation Monograph and Wind Forces Monograph developed by NCARB's Professional Development Program. Respondent may resume providing structural calculations in his architectural practice after receiving notification from the Oregon Board of Architects Examiners that he has achieved a passing score on both the monographs. Respondent shall send a copy of any notification from the Oregon Board of Architects Examiners regarding passing the monographs to the Idaho Board of Architectural Examiners within thirty (30) days of receiving such notification.

C.3. Within thirty (30) days of entry of the Board's Order, Respondent shall provide proof of having taken the Fundamentals of Seismic Design for Architects offered by the University of Wisconsin School of Architecture on February 5-7, 2007.

C.4. All incidental costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.5. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

#### **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

#### **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses may schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

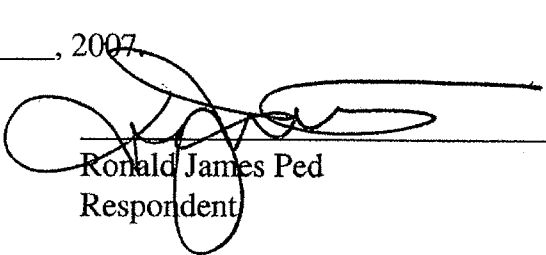
c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

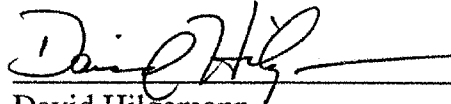
I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 2 day of July, 2007.

  
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Ronald James Ped  
Respondent

Approved as to form.

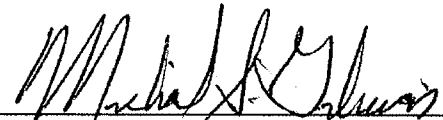
DATED this 24<sup>d</sup> day of July, 2007.

  
David Hilgemann  
Attorney for Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 5<sup>th</sup> day of July, 2007.


STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
Michael S. Gilmore  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-312, the foregoing is adopted as the decision of the Board of Architectural Examiners in this matter and shall be effective on the 14<sup>th</sup> day of Sept., 2007. IT IS SO ORDERED.

IDAHO STATE BOARD  
OF ARCHITECTURAL EXAMINERS

By   
~~R. Alan Giltzow~~, Chair  
PAUL JENSEN, CHAIR

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of September, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Ronald James Ped  
537 High Street SE  
Salem, OR 97301

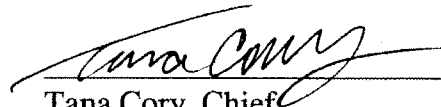
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

David Hilgemann  
Attorney at Law  
530 Center Street NE, Suite 700  
Salem, OR 97301-3740

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

Michael S. Gilmore  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
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Tana Cory, Chief  
Bureau of Occupational Licenses

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BEFORE THE  
BOARD OF ARCHITECTS EXAMINERS  
STATE OF OREGON

14 In the Matter of the License to Practice )  
15 Architecture of: ) AGENCY NO: 01-101  
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17 RONALD PED, ) STIPULATED FINAL ORDER  
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19 Licensee, )  
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The Board of Architect Examiners (Board) is the state agency responsible for licensing and disciplining architects, and for regulating the practice of architecture in Oregon. Licensee is an architect registered in Oregon under license number 2695.

2.

On July 28, 2004, the Board issued a NOTICE OF INTENT TO SUSPEND LICENSE (Notice) to Ronald Ped (Licensee) for violation of various Board statutes and rules. The Board and Licensee, as evidenced by the signatures of their representatives below, now wish to resolve this matter by entry of this Final Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. In consideration of the settlement, Licensee will not contest the Board's entry of the following:

FINDINGS OF FACT

1. On February 5, 2004, James Trussell, Marion County's Plans Examiner, filed a complaint against Licensee with the Board. Mr. Trussell complained about certain structural calculations prepared by Licensee on a project.



1 2. The Board reviewed Mr. Trussell's complaint, and directed that an investigation of  
2 Licensee's structural calculations work be conducted.

3 3. During the investigation of Licensee, the Board engaged the services of Robert A.  
4 Walker, P.E., to review Licensee's structural calculations related to three projects:  
5 Churchdale Apartments, Cycle Sports of Salem, and Willamette Christian School Gym  
6 (Church on the Hill).

7 4. Mr. Walker reviewed the structural calculations and structural drawing sheets prepared  
8 by Licensee on the three projects, and submitted a report on each project to the Board.

9 5. Mr. Walker's reports, dated February 18, and March 8, 2004, identified deficiencies in  
10 Licensee's structural calculations.

11 6. The Board reviewed Mr. Walker's reports. After review, the Board directed legal  
12 counsel to send a letter to Licensee requesting him to voluntarily limit his architectural  
13 practice. The letter, dated March 11, 2004, provided:

14 "Because of the findings in the engineer's reports, and the need to  
15 protect the public, the Board is requesting that Mr. Ped voluntarily, but  
16 immediately, limit his architectural practice to exclude the provision of  
17 structural calculations on any current or future project until further  
18 notice."  
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20 7. After further consideration, the Board issued the Notice on July 28, 2004.

21 8. Licensee agrees that the Board reasonably determined that Mr. Walker's reports on  
22 Licensee's structural calculations on the three projects provided a basis for the Board to  
23 take action against Licensee.

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CONCLUSIONS OF LAW

1. The Board acted within its authority to investigate Licensee's structural calculations work.
2. Mr. Walker's reports on the Churchdale, Cycle Sports and Church on the Hill projects provided a basis to initiate a contested case proceeding against Licensee for a violation of ORS 671.090(4).

ORDER

Now, therefore, based upon the preceding Findings of Fact and Conclusions of Law, and as evidenced by the signatures of the parties' representatives below, the parties agree to settle this matter as follows:

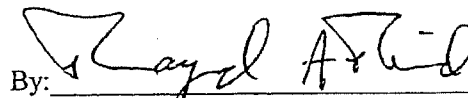
1. Upon signing of this agreement Licensee shall exclude structural calculations from his architectural practice until Licensee takes and successfully passes the Seismic Mitigation Monograph and Wind Forces Monograph developed by NCARB's Professional Development Program. Licensee will take the monographs at the Board's office at a time mutually agreeable to the parties and NCARB. Any further scheduling as needed to achieve passing scores is subject to the same conditions.
2. Licensee may resume providing structural calculations in his architectural practice after receiving notification from the Board that he has achieved a passing score on both the monographs indicated above.
3. Licensee shall also take and provide proof of completion of the course entitled Fundamentals of Seismic Design for Architects offered by the University of Wisconsin School of Architecture on February 5 - 7, 2007.

1 4. All claims related to Licensee's work on the Churchdale, Cycle Sports and Church on  
2 the Hill projects are resolved to the satisfaction of the parties.

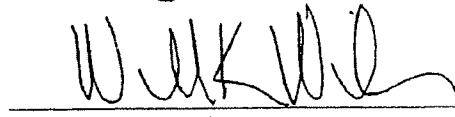
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4 IT IS SO STIPULATED this 20 day of July, 2006.

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7 Ronald Ped, Licensee

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9 LAW OFFICES OF DAVID HILGEMANN

10  
11 By:   
12 Raymond A. Reid, OSB #84331  
13 Of Attorneys for Licensee

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16 IT IS SO STIPULATED this 2nd day of August, 2006.  
17 CC

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20 Bill Wilson, Chair  
21 Oregon Board of Architect Examiners  
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